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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			KINDRED, ALFORD W	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/027,194
Filing Date: December 20, 2001
Appellant(s): KII ET AL.

Sony Corporation
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/20/06 appealing from the Office action mailed 12/22/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10, 12-14 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nusbicked et al., US# 6,119,113, in view of Moskowitz, US# 2002/0010684 A1, and further in view of Rice, III, US# 2002/0174010 A1.

As per claims 1, 7, and 10, Nusbicked et al. teaches "recording a unique identifier to each of a plurality of storage media issued" (see abstract) "a database for storing and managing the identifiers" (see col. 2, lines 64-67 and col. 3, lines 1-15) "reading the recorded identifier from any of said storage media" (see col. 8, lines 55-67) "said reading means against said identifiers managed in said database" (see col. 8, lines 45-67) "the storage medium identified by the checked identifier depending on a result of the check by said checking means" (see col. 4, lines 66-67 and col. 5, lines 1-22).

Nusbicked et al. does not explicitly teach "said terminal device corresponding to the package storage medium . . .". Moskowitz teaches "said terminal device corresponding to the package storage medium . . . right information . . ." (see paragraph [0023], [0079], [0129], and [0229]). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Nusbicked with Moskowitz above, because using the steps of "said terminal device corresponding to the storage medium . . . right information", would have given those skilled in the art the tools to process stored information based on the particular identifier more efficiently. This give

users the advantage of being able to render personal information in a safe, fast and secure fashion electronically. Nusbicked et al. does not explicitly teach "package storage medium." Rice teaches "package storage medium" (see paragraph [0124] and [0219]). It would have been obvious at the time of the invention for one of ordinary skill in the art the tools to process/manipulate package storage medium, such as Mini-discs in an Internet service provider environment. This gives users the advantage of offering Internet users transaction capabilities in more expeditious manner.

As per claim 2, Nusbicked teaches "said identifiers, right information which denotes services available to said storage media identified by said identifiers" (see col. 6, lines 21-46).

As per claims 3-4, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-2, and are similarly rejected.

As per claim 5, Nusbicked teaches "content data storing means for storing a plurality of content data items" (see col. 2, lines, 64-67 and col. 3, lines 1-14) "allows relevant content data to be downloaded from said content data" (see 3, lines 49-67, whereas Nusbicked's Web server and HTTP compatible product, clearly illustrate the ability to upload and download data in a fashion similar to applicant's claim language.

As per claim 6, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 5 and is similarly rejected.

As per claims 7-8, these claims are rejected on the grounds corresponding to the arguments given above for rejected claim 1 and are similarly rejected.

As per claim 9, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

--Nusbicked teaches "Judging means for judging whether or not the corresponding right information indicates permission to download . . ." (see col. 4, lines 3-45, whereas the Nusbicked's web browser include the capacity to indicate whether information indicates permission to transfer in a manner claimed by the applicant).

As per claim12, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

--Nusbicked teaches "a management server . . . storing means . . ." (see col. 3, lines 49-65).

As per claims 13-14, Nusbicked teaches "update information creating means . . . updating authentication information stored . . ." (see col. 2, lines 2-17).

As per claims 26, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Alford W. Kindred

(10) Response to Argument

As per applicant's arguments that Nusbicked discloses an information processing system . . . determining a unique ID at a web server using a server application does not constitute a 'reading means for reading the record identifier . . . at said terminal' ."

Examiner maintains that Nusbicked's information processing system determining of an ID requires that a reading means is present as implied in applicant's claim language.

As per applicant's arguments regarding "Nusbicked, Moskowitz, and Rice, alone or in combination, do not disclose a "checking means for checking the identifier read by said reading means . . .", examiner disagrees and maintains that the combination of Nusbicked, Moskowitz and Rice, whereas the determining of an ID (i.e. reading means) and the interaction of a server application and web server, clearly illustrates a "checking means" as demonstrated in applicant's claim language.

As per applicant's arguments regarding "Determining a unique ID, naming an image file . . . doest not constitute a 'checking means for checking the identifier read by said reading means' . . .", examiner maintains that Nusbicked's teachings involving the determining of a unique ID combined with the relationship with a browser interface, is another examiner of Nusbickeld's teachings reading on applicant's claim language.

As per applicant's arguments regarding Moskowitz does not disclose a 'checking means for checking the identifier read by said reading means against said identifiers . . .", examiner maintains that Nusbicked (as described above) combined with Moskowitz's teachings of watermarks regarding content servers, reads on applicant's claim language regarding checking means and terminal and right information.

As per applicant's arguments regarding "Nusbicked is silent with respect to a service offering means that offers a server based on a result of a checking means . . .", examiner disagrees and refer applicant to Moskowitz's disclosure of a content server which export as well as import content. The exporting of content, is illustrative of a

“service offering” element. Further the content in Moskowitz’s teachings requires some direction or indexing in order for the content to be sent to the right location and thus demonstrates the service offering to a terminal (i.e. client) as indicated in applicant’s claim language. Last, Moskowitz’s rewritable medium and rendering the content elements, reads on applicant’s service offering depending on a result claim language.

As per applicant arguments “Moskowitz does not cure . . .’a storage medium issuing means including recording means for recording a unique identifier . . .”, examiner maintains the combination of Nusbick and Moskowitz teaches the shipment of goods with value added information, which implies that the goods have to be uniquely identified for location purposes. Further, the added combination of Rice’s teachings which demonstrates that ability to track customer purchase habits which reads on applicant’s claim language regarding storage medium issuing means . . .”.

As per applicant’s arguments regarding “Moskowitz does not disclose ‘an issuing party that issues a plurality of storage media identified by said identifiers . . .”, examiner considers Moskowitz’s teachings of a Local Content Server in relation with a watermark reads on applicant’s claim language regarding issuing party the issues a plurality of storage media.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

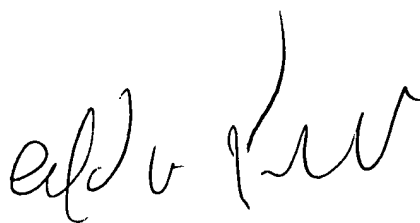
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